



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

**ADMINISTRATIVE RECORD**

**REMOVAL ACTION**

**SITE NAME: LONGVIEW REFINERY ASSOCIATION**

**LONGVIEW, GREGG COUNTY, TEXAS**

**SITE NUMBER: TX0000605384**

**VOLUME 1 OF 1**

995340





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

### INTRODUCTION

The "Administrative Record" is the collection of documents which form the basis for the U.S. Environmental Protection Agency's (EPA) selection of a response action at a Superfund site. Superfund is the name given to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which can be found in Title 42 of the U.S. Code (U.S.C.) at Sections 9601 through 9675. Response actions under Superfund can be either "removal action" or "remedial action". This Administrative Record involves a *removal action*. As EPA decides what to do at the site of a release of hazardous substances, EPA compiles documents concerning the site and EPA's decision into an "Administrative Record File." Documents may be added to the "Administrative Record File" from time to time. Once the EPA Regional Administrator or the Regional Administrator's delegate signs the Action Memorandum memorializing the selection of the removal action, the documents which form the basis for the selection of the removal action are known as the "Administrative Record."

The Administrative Record will be available for public review during normal business hours at EPA, Region 6 offices which is located at the address given below, and it will also be available at the Longview Public Library, 222 W. Cotton Street, Longview, Texas 75601. The Administrative Record is treated as a non-circulating reference document. Individuals may photocopy any documents contained in the Administrative Record File, according to the photocopying procedures at the EPA, Region 6 offices and at the repository located near the Site. The Administrative Record will be maintained at the local repository(s) until further notice. EPA may send additional documents to the repository (s) as work progresses at the Site.

EPA may hold formal public comment periods at certain stages of the response process. The public is urged to use the formal public comment periods to submit written comments to EPA regarding the removal at the Site. However, EPA welcomes written comments at any time. Please send all comments to:

Removal Administrative Record Coordinator (6SF-R)  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2733

Except as explained below, this index and the record was compiled in accordance with EPA's Final Guidance on Administrative Records for Selecting CERCLA Response Actions, Office of

Solid Waste and Emergency Response (OSWER) Directive Number 9833.3A-1 (December 3, 1990), and in accordance with Superfund Removal Procedures Public Participation Guidance for On-scene Coordinators: Community Relations and the Administrative Record, OSWER 9360.3-05 (July 1992), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300.

According to OSWER Directive No. 9833.3A-1, Page 37, each Region should maintain a compendium of guidance documents which are frequently used in selecting response actions, and the record located at or near the site of response action should contain an index to the compendium of response selection guidance documents. However, the EPA-headquarters generated compendium of guidance documents has not been updated since March 22, 1991 [see CERCLA Administrative Records: First Update of the Compendium of Documents Used for Selecting CERCLA Response Actions (March 1991)]. Moreover, the EPA, Region 6 Superfund Division Director has decided that developing and maintaining a compendium index in Region 6 would require extensive resources which are better utilized elsewhere in the Division. Accordingly, the Division Director has decided not to maintain an indexed compendium of response-selection guidance documents. Instead, consistent with 40 CFR Sections 300.805 (a) (2), 300.810 (a) (2), and OSWER Directive No. 9833.3A-1, Page 37, the Region has listed, in the Administrative Record Index (or in bibliographies of documents listed in the index), all guidance documents which may form a basis for the selection of this response action.. See *Section I* of the Administrative Record. Unless the guidance documents indexed were generated specifically for the Site, the guidance documents may not be physically present in the Administrative Record.

Documents listed as bibliographic sources for other documents in the record might not be listed separately in the Site Index. Where a document is listed in the Site Index but not located among the documents which EPA has made available in the repository, EPA will, upon request, include the document in the repository. This applies to verified sampling data, chain of custody forms, and guidance and policy documents. It does not apply to documents in EPA's "Confidential File". Requests for such documents should be addressed to the Removal Administrative Record Coordinator at the address listed above. Copies of guidance documents can also be obtained by calling the RCRA/Superfund/Title 3 Hotline at (800) 424-9346, or by accessing on your computer the US EPA Internet Home Page at: US EPA Headquarters, <http://www.epa.gov>. Then follow these instructions: click "Databases and Software"; click "General Information"; click "EPA's Information System Inventory (ISI)"; click "Index"; click "Enforcement" or "Superfund". Then, if you clicked "Enforcement", you will be on the "OECA" Page, where you will click "Policy & Guidance"; click "Statute Specific Policy Categories"; click "Site Remediation (Superfund)"; click on any of the listed "CERCLA (Superfund) Enforcement Documents" categories", including "Other Guidance and Documents," or you can click on "New Documents" for any recent policy additions. If you clicked on "Superfund" instead of "Enforcement", then click "Topics", or "Publications" and follow the menu.

## COMMONLY USED ACRONYMS

ADPC&E	Arkansas Department of Pollution Control & Ecology
ATSDR	Agency for Toxic Substances and Disease Registry
CDC	Centers for Disease Control and Prevention
CERCLA	Comprehensive Environmental Response Compensation & Liability Act of 1980
EPA	United States Environmental Protection Agency
RPB	Response and Prevention Branch (formerly ERB)
ERRS	Emergency and Rapid Response Services [EPA Contractor] (Formerly ERCS)
FOIA	Freedom of Information Act
LDEQ	Louisiana Department of Environmental Quality
NFRAP	No Further Remedial Action Planned Summary
NMED	New Mexico Environment Department (formerly NMEID)
NPL	National Priorities List
OPA	Oil Pollution Act
OSC	On-Scene Coordinator
ODEQ	Oklahoma Department of Environmental Quality (formerly OSDH)
OSHA	Occupational Safety and Health Administration
POLREP	Pollution Report
PRP	Potentially Responsible Party
RCRA	Resource Conservation and Recovery Act of 1976
SARA	Superfund Amendment and Reauthorization Act of 1986
START	Superfund Technical Assessment and Response Team [EPA Contractor] (formerly TAT)
TNRCC	Texas Natural Resources Conservation Commission (formerly TWC)
UAO	Unilateral Administrative Order

*ADMINISTRATIVE RECORD, HASTINGS RADIOCHEMICAL REMOVAL ACTION  
SECTION I (GUIDANCE DOCUMENTS - NON SITE SPECIFIC)*

**DOCUMENT DATE** 2/1/88  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Superfund Removal Procedures, Revision 3, OSWER 9360.-3B  
**AUTHOR** EPA  
**DESCRIPTION** Superfund removal procedures (superceded in part by later guidance).

**DOCUMENT DATE** 4/1/90  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Quality Assurance/Quality Control Guidance, OSWER 9360.4-01  
**AUTHOR** EPA  
**DESCRIPTION** Procedures for QA/QC for data collection activities and review of laboratory

**DOCUMENT DATE** 12/1/90  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Action Memorandum Guidance, OSWER 9360.3-01  
**AUTHOR** EPA  
**DESCRIPTION** Outlines the minimum requirements for an action memorandum.

**DOCUMENT DATE** 12/3/90  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Final Guidance on Administrative Records, OSWER 9833.3A-1  
**AUTHOR** EPA  
**DESCRIPTION** How to compile and establish administrative records under CERCLA.

**DOCUMENT DATE** 9/1/91  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Guidance on the Consideration of ARARs, OSWER 9360.3-02  
**AUTHOR** EPA  
**DESCRIPTION** Potential Applicable or Relevant and Appropriate Requirements (ARARs).

**ADMINISTRATIVE RECORD, HASTINGS RADIOCHEMICAL REMOVAL ACTION  
SECTION I (GUIDANCE DOCUMENTS - NON SITE SPECIFIC)**

**DOCUMENT DATE** 4/1/92  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Removal Enforcement Guidance for OSCs, OSWER 9360.3-06  
**AUTHOR** EPA  
**DESCRIPTION** Summary of authorities for conducting enforcement activities during removals.

**DOCUMENT DATE** 7/1/92  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Public Participation Guidance for OSCs, OSWER 9360.3-05  
**AUTHOR** EPA  
**DESCRIPTION** Removal action public participation and administrative record activities.

**DOCUMENT DATE** 8/1/93  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Guidance on Conducting Non-Time-Critical Removal Actions, OSWER 9360.0-32  
**AUTHOR** EPA  
**DESCRIPTION** Non-time-critical removal actions and the National Contingency Plan.

**DOCUMENT DATE** 6/1/94  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Removal Response Reporting: POLREPs and OSC Reports, OSWER 9360.3-03  
**AUTHOR** EPA  
**DESCRIPTION** Clarifies removal actions reporting criteria.

**DOCUMENT DATE** 9/1/96  
**DOCUMENT TYPE** EPA Guidance Document  
**DOCUMENT** Response Management: Start-up to Close-out, OSWER 9360.3-04  
**AUTHOR** EPA  
**DESCRIPTION** Summarizes guidance and statutory authorities for response management.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

**ADMINISTRATIVE RECORD**

**REMOVAL ACTION**

**INDEX**

**May 8, 2002**

**SITE NAME: LONGVIEW REFINERY ASSOCIATION**

**LONGVIEW, GREGG COUNTY, TEXAS**

**SITE NUMBER: TX0000605384**

**VOLUME 1 OF 1**

**ADMINISTRATIVE RECORD, LONGVIEW REFINERY ASSOCIATION SITE  
REMOVAL ACTION INDEX:  
SECTION 2 (SITE SPECIFIC DOCUMENTS)**

<b>FIRST PAGE</b>	<b>1</b>
<b>LAST PAGE</b>	<b>7</b>
<b>DOCUMENT DATE</b>	<b>January 9, 2002</b>
<b>DOCUMENT TYPE</b>	<b>Action Memorandum w/ Attachment</b>
<b>DOCUMENT TITLE</b>	<b>Documentation of a Removal Action at the Longview Refinery Association, Longview, Gregg County, Texas</b>
<b>AUTHOR</b>	<b>Michael Torres, Federal OSC</b>
<b>AUTHOR'S COMPANY</b>	<b>U.S. EPA, Region 6</b>
<b>RECIPIENT</b>	<b>Superfund File</b>
<b>RECIPIENT'S COMPANY</b>	<b>U.S. EPA, Region 6</b>
<b>DESCRIPTION</b>	<b>Record of Construction: Attachments are:</b> <b>1. Enforcement Attachment has been withheld as Enforcement Sensitive and is located only in separate Confidential Files.</b>

**April 8, 2002**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS TEXAS 75202-2733

January 09, 2002

**MEMORANDUM**

SUBJECT: Documentation of a Removal Action at the Longview Refinery Association, Longview, Gregg County, Texas.

FROM: Michael Torres, Federal On-Scene Coordinator *M. Torres*  
Superfund Response & Prevention Branch (6SF-R)

TO: Superfund File

**I. PURPOSE**

This memorandum documents initiation of a classic-emergency removal action under the Federal On-Scene Coordinators authority pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq., at the Longview Refinery Association, located in the City of Longview, Gregg County, Texas. The emergency removal action was conducted to mitigate the release of hazardous substances into the environment.

This action meets the criteria for initiating a removal action under Section 300.415 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. § 300.415. This action required less than twelve months and \$2 million to complete.

## II. SITE CONDITIONS AND BACKGROUND

CERCLIS # TX0000605384

Category of Removal Action: Classic-Emergency

Site ID #: LR

FPN: N01339 (OPA Action Only)

### A. Site Description

#### 1. Removal site evaluation

On June 25, 2001, the Texas Natural Resource Conservation Commission (TNRCC) notified the Environmental Protection Agency-Region 6 Response and Prevention Branch (EPA) of a leaking desalting unit at the Longview Refinery Association, near Longview, Gregg County, Texas. The Potentially Responsible Party (PRP), Mr. David Wilder, is the debtor in possession of the Longview Refinery Association, and reported the leak to the TNRCC on June 25, 2001. The refinery is inactive and has been bankrupt since around 1992. The PRP was unable to provide a cleanup contractor, due to the facility being bankrupt.

Upon arrival at the site, the On-Scene Coordinator (OSC) determined several drums to be dilapidated and leaking. These drums warranted further investigation to determine if material inside the drums was hazardous. In addition, a desalting tank was leaking an oily substance. Based upon characteristics obtained from sampling of 25 drums and the near-failure conditions of some drums, it was determined that 7 drums warranted immediate action under CERCLA authority. The leaking desalting tank was determined to require a response action pursuant to the Clean Water Act (CWA), 33 U.S.C. §1321, et seq., as amended by the Oil Pollution Act of 1990 (OPA). Removal operations under OPA are not covered by this action memorandum and will not be discussed further.

Based on the release of a CERCLA hazardous substances impacting human health and the environment, the Federal On-Scene Coordinator initiated a response action under his authority to mitigate the release.

#### 2. Physical location

The site is located 3-miles east of Highway 42/FM2206 and ½-mile north of the intersection of FM2206 and Premier Road. The physical location of the site is 601 Premier Road, Longview, Gregg County, Texas.

#### 3. Site characteristics

The facility is a former refinery that ceased operations in 1992. The site occupies a large area with drainage entering into Swingbridge Creek that flows into the Sabine River, a water source for the City of Longview.

4. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant.

On June 25, 2001, after being notified by the TNRCC, EPA immediately mobilized to investigate and monitor a release from the facility. Upon arriving at the site, EPA was briefed of the situation by the PRP, David Wilder, and TNRCC representative, Thomas Erny, regarding the leaking unit, a desalting tank. A 12-foot diameter desalting tank was leaking from a 90-degree elbow on the underside of the tank. It had failed due to corrosion. Some 55-gallon drums had been placed under the desalting tank to contain the leak. No active discharge to nearby navigable waters of Swingbridge Creek was occurring; however, oil-stained soil and vegetation was observed near the desalting tanks. EPA was informed by Thomas Erny that there were various 55-gallon drums strewn on the site. These drums had been compromised, also due to corrosion. Twenty-five drums were sampled by START using the hazardous categorization system, and the OSC determined that the characteristics and conditions of the numerous drums warranted action. Drums requiring immediate attention were consolidated, based on compatibility and characteristics of the materials, into 7 drums. Additionally, of the 25 55-gallon drums sampled on site, two of these drums required immediate over-packing, due to the dilapidated conditions of the drums and the corrosive acids contained within (pH 0 and 4 respectively). Materials in the drums are hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and listed in 40 C.F.R. § 302.4. Moreover, some of these materials are pollutants or contaminants as defined in section 101(33) of CERCLA, 42 U.S.C. § 9601(33), and at 40 C.F.R. § 300.5.

5. NPL status

This Site is not presently proposed or listed on the National Priorities List (NPL).

6. Maps, pictures and other graphic representations (**None**)

Attachment 1 - Enforcement Addendum (Confidential)

B. Other Actions to Date

1. Previous actions

No previous actions prior to EPA's response actions are known to have occurred at the site. The Texas Attorney General and TNRCC have attempted to conduct enforcement at the site; however, due to ongoing bankruptcy actions, no viable PRP exists to conduct a PRP-lead response action.

## 2. Current actions

The EPA OSC mobilized to the site on June 25, 2001, after notification from the Texas Natural Resource Conservation Commission (TNRCC). EPA assessed site conditions and determined several drums contained CERCLA hazardous substances and an imminent and substantial release to the environment was highly-probable. The actions involved hazardous categorization of the drum materials, proper bulking of liquids based on compatibility, drum over-packing of leaking drums, sampling and profiling of the drums for appropriate off-site disposal, and then final disposition of the material in the drums.

### C. State and Local Authorities' Roles

#### 1. State and local actions to date

As noted above, local government and state officials have attempted to conduct proper enforcement against the facility; however, due to bankruptcy the enforcement was unsuccessful.

#### 2. Potential for continued State/local response

TNRCC requested federal assistance due to a lack of resources and lack of a viable PRP.

## **III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES**

### A. Threats to Public Health or Welfare

Conditions at the Site met the following factors which indicated that the Site was a threat to the public health, welfare, and the environment, and that a removal action was appropriate under Section 300.415(b)(2) of the NCP, 40 C.F.R. § 300.415(b)(2). Any or all of these factors may be present at a site, yet any one of these factors may determine the appropriateness of a removal action.

#### 1. Exposure to Human Populations, Animals or the Food Chain, NCP Section 300.415(b)(2)(i)

There was potential for direct dermal exposure of human populations and animals to a number of chemicals. Exposures could have occurred if the site had remained unaddressed and would have likely taken the form of direct physical exposure (to skin) to local children or vagrants that continuously vandalized the facility, as evidenced by graffiti and other strewn trash remnants, such as soda bottles, beer cans, and food item wrappers. It would also directly affect animals accessing the site. Because of the low pH of drum contents, serious chemical burns would occur that may be life threatening.

2. Hazardous Substance in Drums or Tanks, NCP Section 300.415 (b)(2)(iii)

EPA collected samples from drums located on Site for the purpose of characterization and profiling for final disposal. RCRA wastes, characteristic corrosive, were identified in several drums on site and are hazardous substances. Advanced deterioration of drums and containers, as well as close proximity to Swingbridge Creek and the Sabine River required prompt cleanup action due to the threat of a release.

3. Availability of Other Mechanisms, NCP Section 300.415(b)(2)(vii)

Longview Refinery Association is currently in bankruptcy and the State has indicated that it has exhausted its resources to conduct an appropriate response.

B. Threats to the Environment

The site is located next to Swingbridge Creek which empties into the Sabine River. The Sabine River is the water supply for the City of Longview and contains fisheries that may be impacted.

**IV. ENDANGERMENT DETERMINATION**

Actual or threatened releases of hazardous substances, pollutants, or contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to the public health, welfare, or the environment.

**V. PROPOSED ACTIONS AND ESTIMATED COSTS**

A. Proposed Actions

1. Proposed action description

EPA response actions included the sampling and off-site disposal of drums that posed an imminent and substantial potential to release.

2. Contribution to remedial performance

Because response actions involved removal of the source, the actions are consistent with any potential remedial action that may be proposed for the Site.

3. Description of alternative technologies

Alternative technologies do not exist to mitigate the release of the drums.

#### 4. Applicable or relevant and appropriate requirements

This removal action was conducted to eliminate the actual or potential release of a hazardous substance, pollutant, or contaminant to the environment, pursuant to CERCLA, 42 U.S.C. § 9601 et seq., and in a manner consistent with the NCP, 40 C.F.R. Part 300. Compliance with ARARs was deemed impracticable for this removal action due to the emergency nature of the operation, and no ARARs were identified.

#### 5. Project schedule

EPA responded to the Site on June 25, 2001 and completed disposal of drum contents on September 14, 2001. No further actions are deemed necessary regarding these potential releases.

#### B. Estimated Costs

##### Extramural Costs

ERRS.....	\$ 15,000
START.....	\$ 10,000
TOTAL, EXTRAMURAL COSTS.....	\$ 25,000

##### Intramural Costs

EPA Direct Costs .....	\$ 2,000
EPA Indirect Costs .....	\$ 2,000
TOTAL, INTRAMURAL COSTS .....	\$ 4,000
TOTAL, REMOVAL PROJECT CEILING .....	\$ 29,000

#### VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If this response action had not been taken at the Site, the drums' contents would continue to release and result in adversely impacting the environment.

#### VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this Site.

## **VIII. ENFORCEMENT**

See Attachment 1.

## **IX. RECOMMENDATION**

This decision document represents the selected removal action at the Longview Refinery Association, Longview, Gregg County, Texas, developed in accordance with CERCLA, 42 U.S.C. § 9601 et seq., and not inconsistent with the NCP, 40 C.F.R. Part 300. This decision is based on the administrative record for the Site.

Conditions at the Site meet the criteria as defined by Section 300.415(b)(2) of the NCP, 40 C.F.R. § 300.415(b)(2), for a removal. The total project ceiling is \$ 29,000. Of this, an estimated \$15,000 comes from the Regional removal allowance.